

PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: **NAN-2008-00711-EET**
Issue Date: **28 JUL 2008**
Expiration Date: **28 AUG 2008**

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Fort Hill Beach Association
c/o Armand D'Amato
101 Park Avenue, Suite 2506
New York, NY 10178

ACTIVITY: Dredge, with ten years maintenance, and upland placement.

WATERWAY: Cold Spring Harbor, Oyster Bay

LOCATION: Loyd Harbor, Huntington, Suffolk County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the

permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various life stages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.


Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation Permit

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8514 and ask for Sophie Ettinger.

For more information on New York District Corps of Engineers program, visit our website at <http://www.nan.usace.army.mil>


Richard L. Tomer
Chief, Regulatory Branch

Enclosures

PLEASE USE THE 18-CHARACTER APPLICATION FILE NUMBER ON ALL SUBMITTALS

WORK DESCRIPTION

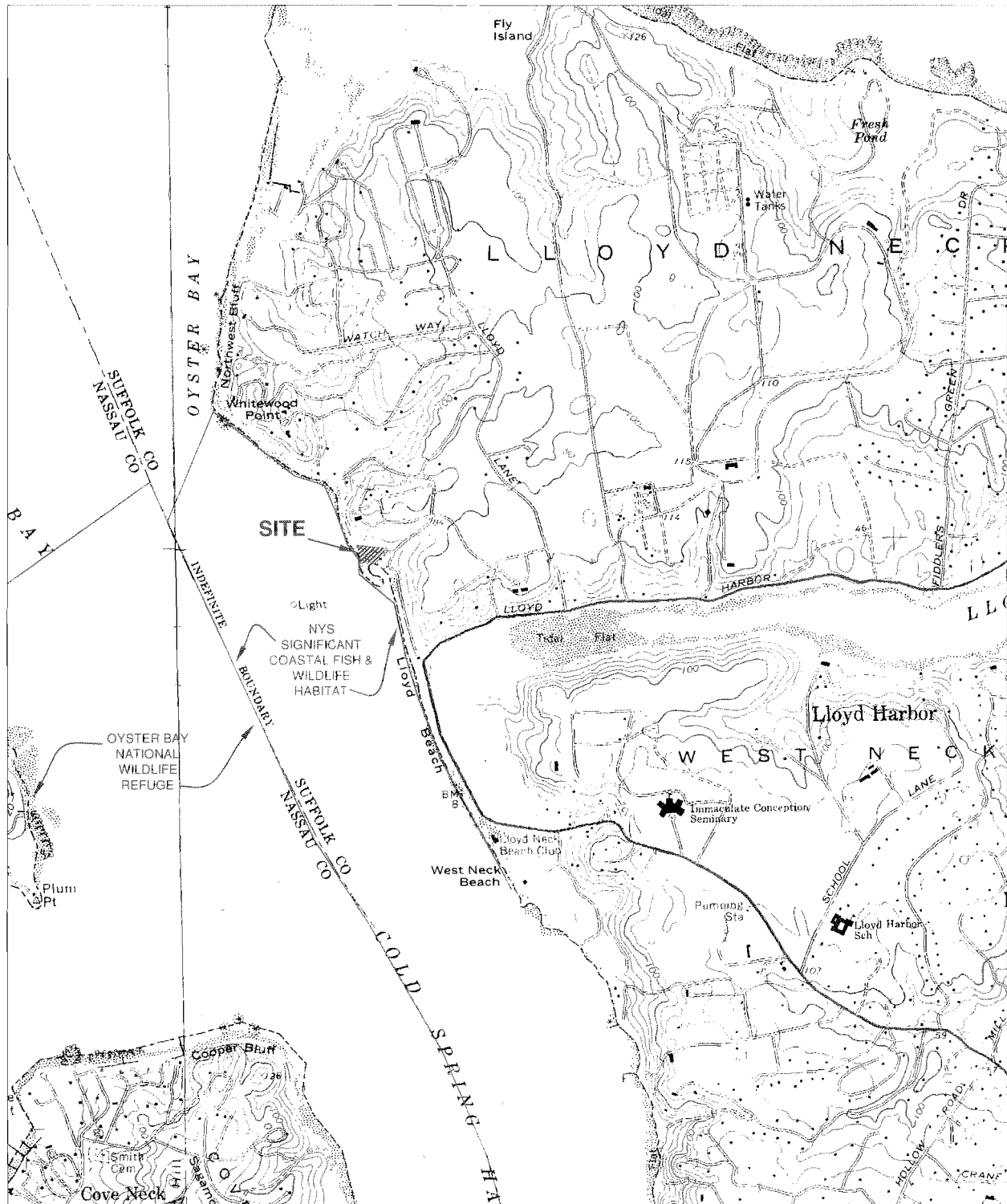
The applicant, Fort Hill Beach Association, has requested Department of the Army permit to maintenance dredge, with ten years of maintenance, in Cold Spring Harbor, Oyster Bay in Loyd Harbor, Town of Huntington, Suffolk County, New York with subsequent upland placement of all dredged material.

The work would involve dredging, via clamshell bucket, approximately 1,786 cubic yards of sandy material from a 40-foot-wide by 540-foot-long navigation channel in the Loyd Harbor to a maximum depth of 6 feet below the plane of Mean Low Water, with no overcut.

The resultant 1,786 cubic yards of dredged material, primarily sandy with 1 percent fines, would be dewatered on a hay bale-lined barge to prevent reentry of sediment into the waterway and then transported to a state-approved upland location for reuse as fill. It is anticipated that annual dredging events would be performed over the ten-year life of the permit, if issued.

The permit applicant's stated purpose of this regulated project is to continue to maintain safe, navigable water depths for the vessels that use the waterway.

LOCATION MAP



Source: USGS Topographic Map, Lloyd Harbor Quadrangle
Scale: 1" = 2,500'

NORTH

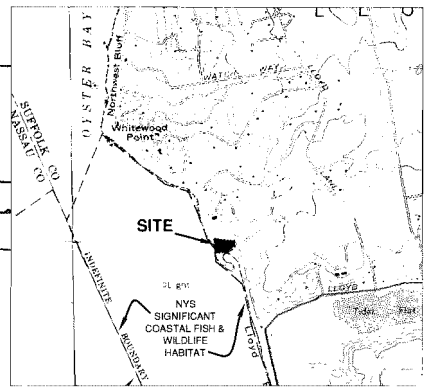
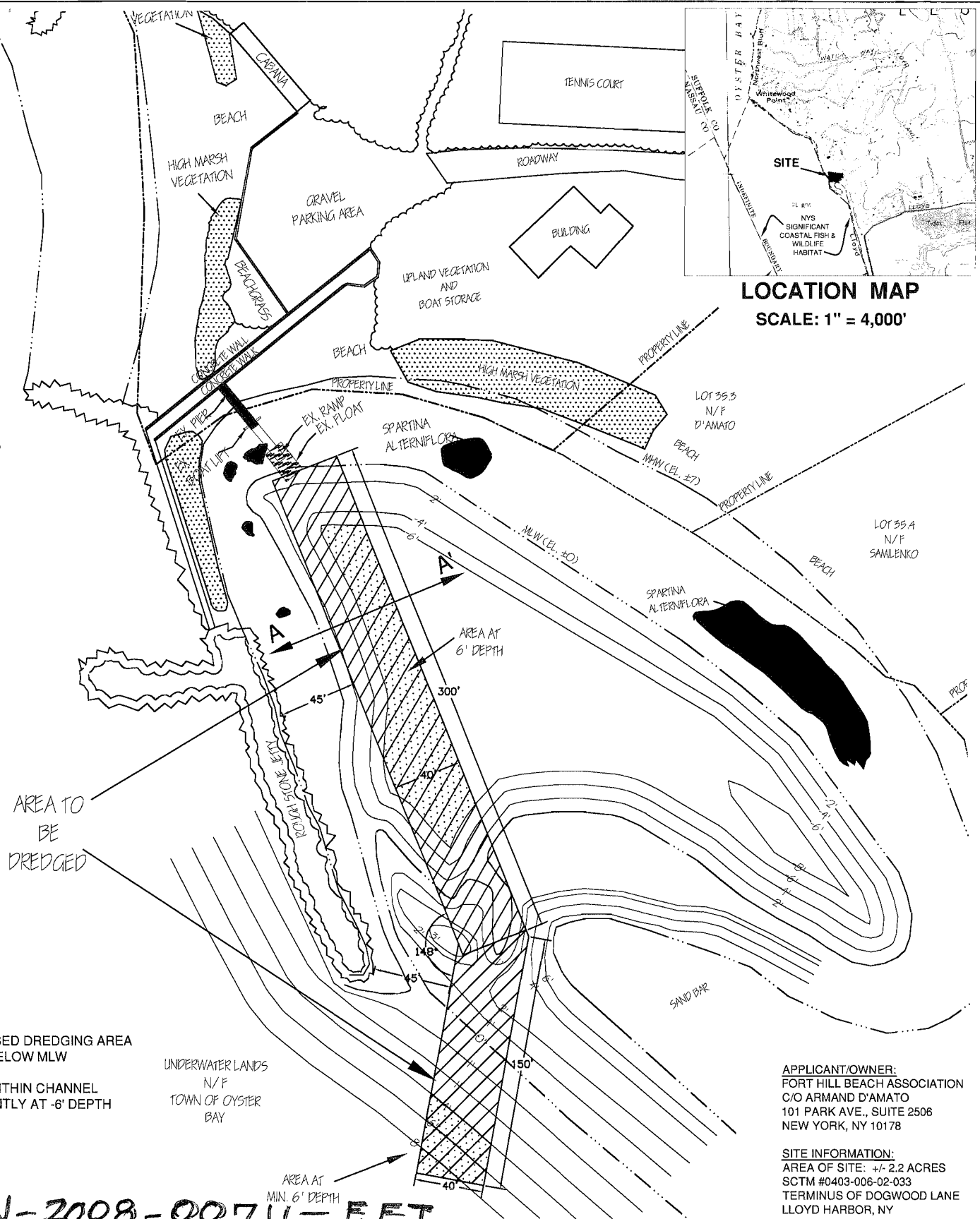


USACE FILE NUMBER: NAN-2008-00711-EET

SHEET 1/3



NELSON POPE & VOORHIS, LLC
ENVIRONMENTAL • PLANNING • CONSULTING



LOCATION MAP
SCALE: 1" = 4,000'

LEGEND:

- PROPOSED DREDGING AREA TO -6' BELOW MLW
- AREA WITHIN CHANNEL CURRENTLY AT -6' DEPTH

UNDERWATER LANDS
N/F
TOWN OF OYSTER
BAY

APPLICANT/OWNER:
FORT HILL BEACH ASSOCIATION
C/O ARMAND D'AMATO
101 PARK AVE., SUITE 2506
NEW YORK, NY 10178

SITE INFORMATION:
AREA OF SITE: +/- 2.2 ACRES
SCTM #0403-006-02-033
TERMINUS OF DOGWOOD LANE
LLOYD HARBOR, NY

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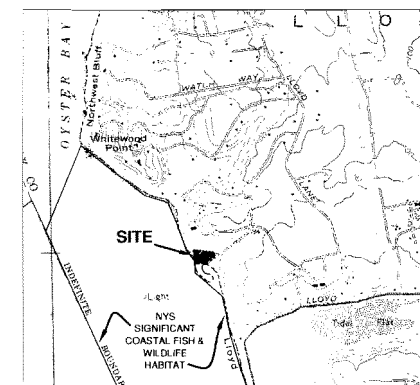
NOTES:

MAINTENANCE DREDGE 40' x 450' CHANNEL A MINIMUM OF 45' EAST OF STONE JETTY TO 6' BELOW MLW USING A CLAM SHELL BUCKET. RESULTANT 1,786 CY OF DREDGED MATERIAL TO BE DEWATERED ON A BARGE AND TRANSPORTED TO AN APPROVED UPLAND LOCATION. NO STAGING OR STORAGE OF MACHINERY WILL OCCUR IN VEGETATED WETLANDS. THE WETLAND PERMIT PLAN IS A PERMIT PLAN ONLY, NOT AN ENGINEERED PLAN.

REFERENCE:

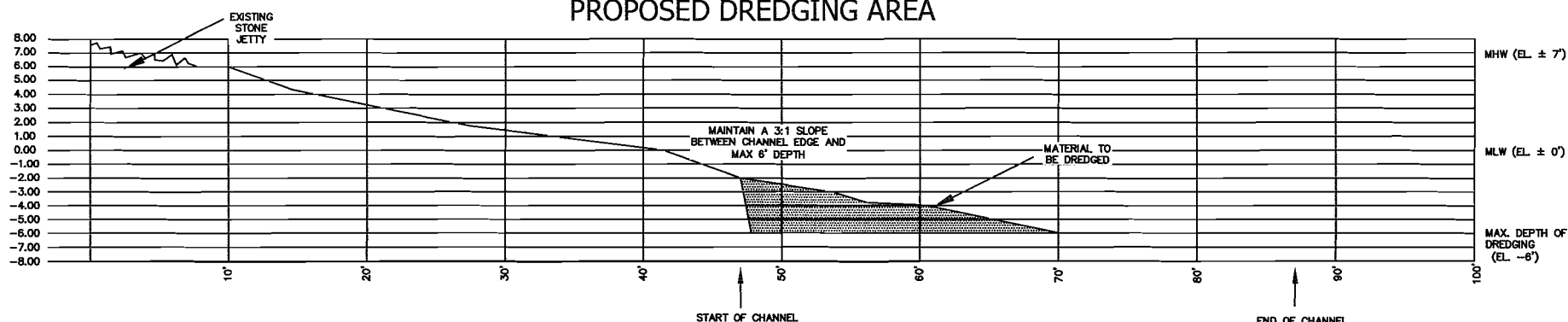
LOCATION OF THE VEGETATED WETLANDS, MHW AND MLW BASED ON FIELD MEASUREMENTS BY NP&V ON JANUARY 17, 2008 AT 12:37 PM. ALL UNITS IN FEET AND ACCORDING TO MEAN LOW WATER.

No.	DATE	REVISION	BY
FORT HILL BEACH PLAN VIEW AND CROSS-SECTION DETAIL SITUATED AT LLOYD NECK VILLAGE OF LLOYD HARBOR, TOWN OF HUNTINGTON, SUFFOLK COUNTY, NEW YORK SCTM DISTRICT 0403 SECTION 006.00 BLOCK 02.00 LOT 033.00			
NELSON, POPE & VOORHIS, LLC ENVIRONMENTAL PLANNING CONSULTING 672 WALT WHITMAN ROAD, MELVILLE, N.Y. 11767-2336 (631) 487-8888 FAX (631) 487-8820			DWN BY: SD DATE: 5/9/08 CHK'D BY: CV DATE: JOB No: 07089 FILE No: CADD: 07089DEC SCALE: 1" = 80' SHEET: 2 of 2



LOCATION MAP
SCALE: 1" = 4,000'

CROSS-SECTION A - A' **PROPOSED DREDGING AREA**



APPLICANT/OWNER:
FORT HILL BEACH ASSOCIATION
C/O ARMAND D'AMATO
101 PARK AVE., SUITE 2506
NEW YORK, NY 10178

SITE INFORMATION:
AREA OF SITE: +/- 2.2 ACRES
SCTM #0403-006-02-033
TERMINUS OF DOGWOOD LANE
LLOYD HARBOR, NY

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NOTES:

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RESULTANT 1,786 CY OF DREDGED MATERIAL TO BE DEWATERED ON A BARGE AND TRANSPORTED TO AN APPROVED UPLAND LOCATION.
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THE WETLAND PERMIT PLAN IS A PERMIT PLAN ONLY, NOT AN ENGINEERED PLAN.

REFERENCE:

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<p>NELSON, FOPESVOORHIS, LLC ENVIRONMENTAL PLANNING CONSULTING 672 WALT WHITMAN ROAD, MELVILLE, N.Y. 11767-2555 (631) 427-8888 FAX (631) 427-8880</p>			<p>FILE No: CADD: 07069DEC SCALE: 1" = 80' SHEET: 3 of 3</p>